

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

JUN 16 2005

FILED

STATE OF NEBRASKA)	
DEPARTMENT OF INSURANCE,)	CAUSE NO. A-1620
)	
PETITIONER,)	
)	FINDINGS OF FACT,
vs.)	CONCLUSIONS OF LAW,
)	RECOMMENDED ORDER AND
JEROME J. O'CONNOR, JR.,)	ORDER
)	
RESPONDENT.)	

This matter came on for hearing on the 2nd day of June, 2005, before Janette L. Adair, a hearing officer duly appointed by the Director of the Nebraska Department of Insurance. The Nebraska Department of Insurance ("Department") was represented by its attorney, Martin W. Swanson. Jerome J. O'Connor, Jr. ("Respondent") was not present and was not represented by counsel. The Rules of Evidence were not requested and the hearing was governed accordingly. The proceedings were tape recorded by Tracy Gruhn, a licensed Notary Public. Evidence in the form of exhibits was introduced and the matter taken under advisement. Judicial notice was taken of eight previous administrative actions against Respondent. As a result of the hearing, the hearing officer makes the following Findings of Fact, Conclusions of Law, and Recommended Order.

FINDINGS OF FACT

1. Respondent is a licensed resident insurance producer whose registered address with the Department is 16258 Riggs Street, Omaha, Nebraska 68135. Department is aware that Respondent is residing at 2480 Irvine Blvd., Tustin, California 92782.

2. The Department is the agency of the State of Nebraska charged with licensing insurance producers.

3. On or about May 2, 2005, the Petition and Notice of Hearing were served upon Respondent by mailing the same to him at 2480 Irvine Blvd., #333, Tustin, CA 92782. On or about May 7, 2005, Respondent received the certified mail as evidenced by the signed certified mail return receipt attachment to Exhibit 1. (Ex. 1)

4. On or about May 20, 2005, a copy of an Order Continuing Hearing in this matter and Cause No. A-1615 was served upon Respondent by mailing the same to him at 2480 Irvine Blvd., #333, Tustin, CA 92782. As of the hearing date, neither the envelope containing the copy of the Order nor the certified mail return receipt had been returned by the United States Postal Service. (Ex. 1) Department Counsel Swanson represented that he spoke with Respondent and that Respondent was aware of the hearing date.

5. By affidavit, Beverly Creager (Creager), Administrator of the Producer Licensing Division testified that on or about April 11, 2005 she received information from the State of Iowa Division of Insurance that Respondent's insurance producers license in Iowa was revoked effective August 27, 2004 due to an administrative action taken against Respondent in Iowa stemming from Respondent forging various documents. Respondent did not provide the foregoing information to the Department as required under Nebraska law. Creager also stated that Respondent's insurance producers license is currently under suspension in Nebraska. (Ex. 2).'

6. On August 27, 2004, State of Iowa Administrative Law Judge Martin H. Francis issued an order permanently and forevermore revoking Respondent's Iowa insurance agent license. (Ex. 3).

7. Judge Francis concluded that Respondent submitted a false insurance application to Allianz Life Insurance Company of North America, and that this act constituted a fraudulent practice and demonstrated untrustworthiness in the insurance

business, and subjected Respondent to Iowa Code section 522B.11(1)(h). This violation made Respondent's Iowa insurance agent license subject to revocation. (Ex. 3).

8. Judge Francis concluded that the signatures of Eunice E. Heeringa on an application and related forms submitted by Respondent to Allianz Life Insurance Company of North America were forgeries, and that Respondent was responsible for such forgeries. These acts brought Respondent within the terms of Iowa Code section 522B.11(1)(j), and made Respondent's Iowa insurance agent license subject to revocation. (Ex. 3).

9. Judge Francis concluded that it would be in the public interest to revoke the Respondent's Iowa insurance agent license. (Ex. 3).

10. Respondent has a history of repeatedly violating Nebraska insurance laws as evidenced by Cause Nos. A-1001, A-1052, A-1484, A-1502, A-1508, A-1523, A-1536, and A-1566.

CONCLUSIONS OF LAW

1. The Department has jurisdiction and control over the licensing of Respondent to sell insurance in the State of Nebraska pursuant to *Neb. Rev. Stat. §44-4047 et seq.*

2. The Department has personal jurisdiction over Respondent.

3. Respondent violated *Neb. Rev. Stat. §44-4065(1)* by failing to report the administrative action taken against Respondent in Iowa within thirty days of the final disposition of the matter.

4. Respondent violated *Neb. Rev. Stat. §44-4059(1)(b)* by violating insurance laws of the State of Iowa and of the State of Nebraska.

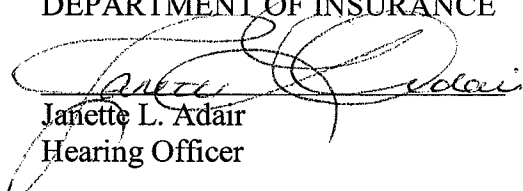
5. Respondent violated *Neb. Rev. Stat. §44-4059(1)(h)* by using fraudulent, and dishonest practices, and demonstrating untrustworthiness in the conduct of business in the State of Nebraska and elsewhere.

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that Respondent's insurance producers license be revoked immediately upon the Director of Insurance or his designee signing the certificate adopting this order.

Dated this 16th day of June, 2005.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



Janette L. Adair
Hearing Officer

CERTIFICATE OF ADOPTION

I have reviewed the foregoing Findings of Fact, Conclusions of Law, and Recommended Order and hereby certify that the Recommended Order is adopted as the official and final Order of this Department in the matter of State of Nebraska Department of Insurance v. Jerome J. O'Connor, Jr., Cause No. A-1620.

Dated this 16th day of June, 2005.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE


L. TIM WAGNER
Director of Insurance

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Findings of Fact, Conclusions of Law, Recommended Order and Order was served upon the Respondent by mailing a copy to Respondent at 16258 Riggs Street, Omaha, NE 68135, and 2480 Irvine Blvd, #333, Tustin, CA 92782 by certified mail, return receipt requested and by U.S. Mail, postage prepaid, on this 17th day of June, 2005.

A handwritten signature in cursive script, reading "Gary A. Shuhn", written over a horizontal line.